

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

JEFFREY BUTLER,
as Administrator of the
Estate of Aleshia Butler,
the decedent,

Plaintiff

v.

MOUNTAIN VIEW
SCHOOL DISTRICT,

Defendant

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CIVIL ACTION NO. 3:12-CV-2038

(JUDGE MANNION)

ORDER

Pending before the court is the defendant's motion to dismiss. (Doc. No. [8](#)). For the reasons stated in the Memorandum of this date, **IT IS HEREBY ORDERED THAT** the defendant's motion to dismiss is **GRANTED** as follows:

- (1) Counts 1, 4 and 5 are **DISMISSED WITH PREJUDICE**;
- (2) Counts 2 and 3 are **DISMISSED WITHOUT PREJUDICE**;
- (3) The plaintiff may file an amended complaint with respect to Counts 2 and 3 on or before **September 9, 2013**.

s/ Malachy E. Mannion
MALACHY E. MANNION
United States District Judge

Dated: August 26, 2013